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09/916,569	07/27/2001	Barry L. Caren	MGDN 0150 PUS	9257

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EXAMINER
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SHIMIZU, MATSUICHIRO

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/26/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/916,569

Applicant(s)

CAREN, BARRY L.

Examiner

Matsuichiro Shimizu

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

The examiner acknowledges currently amended claims 12, 15, 19 and 21.

***Response to Arguments***

Applicant's arguments with respect to claims 12 and 15-18 have been considered but are moot in view of the new grounds of rejection.

Applicant's arguments filed on 1/14/2004 have been fully considered and examiners response is provided as follows:

Regarding applicant's argument (lines 15-18, page 7; lines 13-20, page 9), examiner maintains that Rangan teaches programmable period (col. 5, lines 33-36, software; Fig. 3, authentication wait time period 335) wherein the fact that Rangan teaches a time delay suggests to one skilled in the art that time delay had to be programmed (i.e. programmable) by a software source at some point of time. Furthermore, Rangan never disclose permanently configured period as asserted by the applicant's argument.

Therefore, rejection of claims 1-21 follows:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 13-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyles et al. (5,602,535) in view of Rangan (5,955,981).

Regarding claim 1, Boyles teaches a remote system for an automotive dealership having a number of vehicles with remotely controlled components, the system comprising: a programmable transmitter (col. 7, lines 1-60, configuring to transit the appropriate common code) for transmitting a common signal for controlling at least one remotely controlled component on at least one vehicle (col. 7, lines 10-60, substandard range of the vehicle's security module-within six feet), the programmable transmitter being adjustable to select a signal transmission range (col. 7, lines 10-60, substandard range of the vehicle's security module-within six feet); a receiver for receiving the common signal and interacting the signal with the at least one component (Fig. 3b, col. 5, lines 43-61, receiver 24b'). But Boyles does not teach a programming source for generating a programming signal for programming the transmitter for prohibiting operation of the remotely controlled component during at least one programmable period.

However, Rangan teaches, in the art of vehicle security system, a programming source (col. 3, lines 11-44, programming source associated with providing security code 212 via buttons 125, 130, 135 and 140 to the entered code register 215) for generating a programming signal (col. 5, lines 33-36, operation may be implemented by software; col. 4, lines 7-16, the user can not enter codes associated with "authentication wait time" 250 during the predetermined period but can enter codes after the predetermined period) for programming the transmitter for prohibiting operation of the remotely controlled component during at least one programmable

Art Unit: 2635

period (col. 5, lines 33–36, period associated with operation may be implemented by software; col. 4, lines 7–16, the user can not enter codes associated with “authentication wait time” 250 during the predetermined period but can enter codes after predetermined period) for the purpose of providing higher security. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a programming source for generating a programming signal for programming the transmitter for prohibiting operation of the remotely controlled component during at least one programmable period in the device of Boyles because Boyles suggests a programmable transmitter and Rangan teaches a programming source for generating a programming signal for programming the transmitter for prohibiting operation of the remotely controlled component during at least one programmable period for the purpose of providing higher security.

Regarding claim 2, Boyles teaches the system of claim 1, wherein the selectable signal transmission range is sufficiently limited to only reach the receiver in the vehicle nearest the transmitter (col. 5, line 62 to col. 6, line 16, substandard distance).

Regarding claim 3, Boyles teaches the system of claim 1, wherein the signal transmission range is in the range of between four to six feet (col. 5, line 62 to col. 6, line 16, six feet associated with substandard distance).

Regarding claim 4, Boyles teaches the system of claim 1, wherein the remote system is a remote keyless entry system (col. 5, lines 43–61, unlocking the doors).

Regarding claim 5, Boyles teaches the system of claim 1, wherein at least one of the remotely controlled components is a vehicle security system (col. 5, lines 43–61, disarming the alarm)..

Regarding claim 6, Boyles teaches the system of claim 5, wherein the common signal is capable of arming/disarming the vehicle security system (col. 5, lines 43–61, disarming the alarm).

Regarding claim 7, Boyles teaches the system of claim 5, further comprising a door lock that operates in conjunction with the vehicle security system, wherein the door is locked when the vehicle security system is armed( col. 5, lines 43–61, disarming the alarm (col. 4, lines 62–65, locking the door at roughly the same time the module is armed) and the door is unlocked when the vehicle security system is disarmed (col. 5, lines 43–61, disarming the alarm, unlocking the doors).

Regarding claim 13, Rangan teaches the system of claim 1, wherein the at least one programmable period corresponds to specified times during a day (col. 4, lines 7–16, the user can not enter codes associated with “authentication wait time” 250 during the predetermined period but can enter codes after predetermined period during a day).

Regarding claim 14, Boyles teaches the system of claim 1, wherein the programming source programs the transmitter to transmit a customer signal, wherein the at least one component on only one vehicle is operable in response to the customer signal but is not responsive to the common signal when the customer signal is programmed (col. 7, lines 21–39, re-programmed to communicate using a different code and not responsive to the common signal).

All subject matters in claims 19–20 are disclosed in claim 1 and 5–6 , and therefore rejection of the subject matters expressed in claims 19–20 are met by references and associated arguments applied to rejection of claims 1 and 5–6.

Claims 12, 15–18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyles in view of Rangan as applied to claim 1 above, and further in view of Elsman (6,029,102).

Regarding claim 12, Rangan teaches the system of claim 1, wherein the at least one programmable period corresponds to a time when employees are not supposed to access the vehicle (col. 4, lines 7–16, employee associated with dealership can not enter codes associated with "authentication wait time" 250 during the predetermined period but can enter codes after predetermined period). But Rangan in view of Boyles does not teach a time of day.

However, Elsman teaches, in the art of vehicle security system, a time of day (col. 1, lines 52–62, engine start restriction under time base; col. 3, lines 27–41, time of day restriction) for purpose of providing better security of vehicle operation. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a time of day in the device of Boyles in view of Rangan because Boyles in view of Rangan suggests a time and Elsman teaches a time of day for purpose of providing better security of vehicle operation.

All subject matters except a programmable interrupt prohibiting the engine start during specified periods of a time of day; and a time of day indicator for monitoring the specified periods in claims 15 are disclosed in claim 1. However, Elsman teaches, in the art of vehicle security system, a programmable interrupt prohibiting the engine start during specified periods of a time of day; and a time of day indicator for monitoring the specified periods (col. 1, lines 52–62, engine start restriction under time base; col. 3, lines 27–41, time of day restriction and display of violation) for purpose of providing better security of vehicle operation. Therefore, it

would have been obvious to a person skilled in the art at the time the invention was made to include a programmable interrupt prohibiting the engine start during specified periods of a time of day; and a time of day indicator for monitoring the specified periods in the device of Boyles in view of Rangan because Boyles in view of Rangan suggests a programmable transmitter and Elsmann teaches a programmable interrupt prohibiting the engine start during specified periods of a time of day; and a time of day indicator for monitoring the specified periods for purpose of providing better security of vehicle operation. Therefore rejection of the subject matters expressed in claims 15 are met by references and associated arguments applied to rejection of claim 1 and to rejection provided in the previous paragraph.

All subject matters in claims 16-18 are disclosed in claim 1, and therefore rejection of the subject matters expressed in claims 16-18 are met by references and associated arguments applied to rejection of claim 1.

All subject matters in claim 21 are disclosed in claim 1, 5-6 and 12, and therefore rejection of the subject matters expressed in claim 21 are met by references and associated arguments applied to rejection of claims 1, 5-6 and 12.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyles in view of Rangan as applied to claim 1 above, and further in view of Asano et al. (5,157,610).

Regarding claim 8, Rangan teaches the system of claim 1, wherein the programming source is adapted to provide a programming signal (col. 3, lines 11-44, programming source associated with providing security code 212 via buttons 125, 130, 135 and 140 to the entered code register 215). But Boyles in view of Rangan



does not teach the programming source is a computer that is adapted to provide a programming signal.

However, Asano teaches, in the art of vehicle security system, the programming source is a computer (Fig. 1, lines that is adapted to provide a programming signal for the purpose of providing higher security. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the programming source is a computer that is adapted to provide a programming signal in the device of Boyles in view of Rangan because Boyles in view of Rangan suggests a programmable transmitter and Asano teaches the programming source is a computer that is adapted to provide a programming signal for the purpose of providing higher security.

Regarding claim 9, Asano teaches the system of claim 8, wherein the computer is adapted to communicate the programming signal by a cable connected to the transmitter (Fig. 1, host computer 18 communicate with transmitter/receiver 11 via cable).

Regarding claim 10, Asano teaches the system of claim 8, wherein the computer is adapted to communicate the programming signal by a radio frequency received by the transmitter (Fig. 1, host computer 18 communicate with transmitter/receiver 5 via RF path).

Regarding claim 11, Asano teaches the system of claim 8, wherein the programming signal is a digital bit stream transmitted over a radio frequency link (col. 5, lines 50-54, radio link via digital signal associated with host computer).

Art Unit: 2635

*Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

March 18, 2004



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